

TRIBAL CODE

CHAPTER 63

COMMUNITY IMPROVEMENT AREAS ORDINANCE

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HISTORY NOTE:

Current Ordinance

Adopted March 27, 1967, Resolution No. 24(67), effective immediately.

Amendments

Section 63.114, April 20, 1998, Resolution No. 156(98).

TRIBAL CODE

CHAPTER 63

COMMUNITY IMPROVEMENT AREAS ORDINANCE

63.101 Purpose and Policy.

The purpose of this ordinance is to improve health, safety, and living conditions on the Reservation by designating certain areas primarily for residential purposes in which all homes and other buildings constructed after the effective date of this Code shall meet high standard of construction, design, and maintenance.

63.102 Designation of Community Improvement Areas.

(1) The Lac du Flambeau Tribal Council from time to time will designate areas within the reservation which shall be known as “community improvement areas.”

(2) The following areas are hereby designated as community improvement areas:

The area of the public housing projects on the reservation known as follows:
LAC DU FLAMBEAU RESERVATION.

63.103 Permissible Uses.

(1) No building shall be hereafter constructed or subject to major alteration (as herein defined) in a Community Improvement Area except:

(a) A residence and related structures.

(b) A community building.

(c) Such other buildings as may be authorized under the procedures established by the zoning code for granting a zoning variance.

(2) For the purposes of this ordinance, a “major alteration” shall mean any repair, addition or improvement the cost of which exceeds \$10,000 or half the value of the structure, prior to its alteration, whichever is lower.

63.104 Minimum Lots and Distances.

(1) All lots in Community improvement Areas shall not be less than 5000 square feet.

(2) No building shall be built closer than 10 feet from any lot line.

63.105 Minimum Standards.

Any dwelling or other building hereafter constructed or subject to major alteration in a Community Improvement Area shall contain the following minimum standards:

(1) The minimum electric service and installation standards of sec. 63.106.

(2) The minimum plumbing service and installation standards of sec. 63.107.

(3) The yard maintenance standards of sec. 63.108.

(4) The design and construction standards of sec. 63.109 through 63.112.

63.106 Electrical Service In Community Improvement Areas.

(1) Minimum service standards:

(a) One circuit for each 200 square feet of floor area, minimum of three per dwelling unit, with provision for at least one additional future circuit.

(b) Ceiling fixtures in kitchen halls, dining room, bedrooms, and as necessary, in closets, attic and basements.

(c) An outside fixture at each entrance and porch.

(d) Convenience outlets in each room with a minimum of 2 in kitchen and dining room, 3 in the living room, and 2 in each other habitable room.

(e) Special outlets, where required, for special equipment such as range, dryer, and washer.

(f) Wall fixture in bathroom.

- (2) Convenience standards:
 - (a) Each ceiling fixture shall be controlled by a wall switch.
 - (b) Bathroom fixtures shall be controlled by a wall switch, not readily accessible from shower or tub.
 - (c) Switches shall not be placed behind doors.
 - (d) Dwelling units containing more than one floor or usable space shall contain a three-way switch conveniently located on each floor which controls at least one light to illuminate stairs. This provision shall also apply to basements and attics.
 - (e) Exterior fixtures shall be controlled by wall switches inside the entrance doors.
- (3) All installations and repairs shall be made in full conformity with the requirements of the Electrical Code, Tribal Code Ch. 52.
- (4) All services and fixtures subject to this section shall be maintained at all times in good working order and repair.

63.107 Plumbing Design and Installation Standards.

- (1) All buildings subject to this section shall be provided with:
 - (a) An adequate supply of running water, safe for drinking. Whenever possible, connection shall be made to an approved community water system.
 - (b) An adequate sewage disposal system. Whenever possible connection shall be made to an approved community sewage disposal system.
- (2) All buildings subject to this section shall contain the following fixtures, properly installed and in operating order:
 - (a) One water closet (toilet).
 - (b) One bathroom sink or lavatory.
 - (c) One bathtub or shower.

(d) One kitchen sink.

(3) All installations and repairs shall be made in full conformity with the requirements of the Plumbing Code, Tribal Code Ch. 54.

(4) All service and fixtures subject to this section shall be maintained at all times in good working order and repair.

63.108 Yard Maintenance.

(1) The lots in a Community Improvement Area on which any building is located shall be maintained in a neat and tidy condition. Trash, junk, garbage, and debris shall not be allowed to accumulate. Inoperative automobiles shall be promptly removed.

(2) To the extent practical home owners in Community Improvement Areas shall encourage the growth of grass, trees and shrubs by planting and watering their lawns and plants.

63.109 Design Standards in Community Improvement Areas.

(1) The objective of the light and ventilation requirements is to insure satisfactory and healthful living conditions by providing natural light and ventilation in sufficient volume, proportioned to the size and intended use of rooms. Minimum requirements for habitable rooms shall be:

(a) Total glass area: ten percent of floor area of room.

(b) Ventilating Area:

(I) Four percent of floor area of room with no exterior door, or

(ii) Two percent of floor area of room with an exterior door.

(2) Each dwelling shall contain not less than one bathroom and three habitable rooms, at least one of which shall be a bedroom. The minimum size of rooms shall be:

(a) Living room: 100 square feet.

- (b) Dining room: 50 square feet.
- (c) Kitchen: 75 square feet.
- (d) Bedroom: 75 square feet for each bedroom.

In homes with more than one bedroom the size of the kitchen and living room shall be increased by 10 square feet for each additional bedroom.

(3) Stairways:

(a) Headroom: Main stairs in two-story dwellings shall have not less than 6'8" of continuous clear headroom, measured vertically from front edge of tread in a line parallel with stair riser. Basement stairs shall have not less than 6'4" of headroom.

(b) Width: Main stairs shall be not less than 2'9" in width, clear of handrail. Basement stairs shall have not less than 2'6" clear treads.

(c) Depth: Main stairs shall not be less than 9 inches deep plus 1-1/4 inch nosing. Basement stairs shall be not less than 9 inches deep.

(d) Risers: Risers in all stairs shall be not more than 8-1/4 inches; all risers height to be the same in any one staircase.

(4) Habitable basement rooms shall comply with requirements for main floor rooms with respect to privacy, light and ventilation, floor space, and ceiling height.

(5) Ceiling heights:

(a) Main floor ceiling shall be not less than 7'6" clear.

(b) Basement ceilings shall not be less than 7' clear under joists.

63.110 General Structural Requirements.

Any dwelling which is hereafter constructed or subject to a major alteration which is located in a Community Improvement Area shall meet the following general structural requirements:

(1) The objective of structural requirements is to obtain a well-built and durable dwelling which provides a weather-resistant shelter.

(2) All portions of the structure subject to exterior exposure shall be of such materials and be so constructed as to prevent the entrance or penetration of moisture and the weather.

(3) Adequate precautions shall be taken to properly protect materials and construction from damage by ordinary use and by decay, corrosion, termites and other destructive elements.

(4) Workmanship shall be of a quality equal to a good standard practice and materials used be of such kind an quality as to assure reasonable durability and economy of maintenance, all commensurate with the class of dwelling under consideration.

(5) All members and part of the construction shall be properly designed to carry all loads imposed without detrimental effect on finish or covering materials.

(6) Each member shall be correctly fitted and connected.

(7) The structure shall be adequately braced against lateral stresses.

(8) Adequate precautions shall be taken to protect against fire and accidents.

63.111 Material and Equipment Requirements.

(1) Any dwelling which is hereafter constructed or subject to a major alteration, which is located in a Community Improvement Areas, shall meet the following material and equipment requirements.

(2) Materials and equipment used in the construction of dwellings shall be used appropriately and shall be of a standard equal to good practice commensurate with the class of dwelling being erected.

63.112 Construction Details.

Any dwelling which is hereafter constructed or subject to a major alteration, which is in a Community Improvement Area, shall be constructed in accordance with the following standards:

(1) Footings:

(a) Footings shall be designed for proper distribution of superimposed loads.

(b) The materials used for footings shall be poured concrete or masonry block.

(c) Thickness of footings shall be determined in accordance with sound engineering practice, and in all cases not less than six inches thick.

(d) Footing projection on each side of foundation wall or chimney shall be determined in accordance with sound engineering practice and in no case shall the projection be in excess of one-half the footing thickness.

(1) Foundation walls:

(a) Walls supporting frame construction shall extend not less than eight inches above adjoining outside finish grade and be exposed not less than six inches.

(b) Wall of hollow masonry units when supporting a sill plate shall be capped with a minimum of four inches of solid masonry or poured concrete. If poured concrete is used, it shall be reinforced with wire mesh. In lieu of solid masonry or poured concrete, a continuous strip of galvanized expanded metal lath one inch less than width of wall may be installed in mortar joint under top course of block. Joints and voids in top course of block shall be completely filled with stiff mortar and finished flush with top of blocks.

(c) Chimney foundations shall start at level of lowest adjacent foundation wall footings. Poured concrete foundations shall have a minimum thickness of six inches for wooden frame structure less than two stories high, with basement eight inches minimum.

(3) Sills shall be anchored to foundation as follows:

(a) Masonry - $\frac{1}{2}$ inch x 12 inch bolts.

(b) Poured concrete - $\frac{1}{2}$ inch x 6 inch bolts, spacing of anchor bolts not to exceed 8 feet and at least two bolts to each sill piece. One standard nut and washer shall be installed on each bolt.

(4) Floor joists:

(a) The minimum size of floor joists for dwellings 16 feet or less in width, without basement, shall be 2" x 6", with center support of masonry or poured concrete. Maximum spacing center to center shall be 24 inches.

(b) The minimum size of floor joists for dwelling 16 feet or less with basement shall be 2" x 8" with cross bridging of 1" x 3" double nailed at each end center of span.

(c) The minimum size of floor joists for dwellings more than 16' in width shall be 2" x 8".

(d) Dwellings with basement which exceeds 16 feet in width shall be provided with girder to support floor joists.

(e) In all cases, spans shall not exceed recommended widths for type of material used.

(5) Sub-Floor:

(a) Sub-floor shall be square edge of tongue and groove with ends cut parallel to and over center of joists.

(b) Each board of sub-floor shall have bearing on at least two joists. Minimum thickness of sub-floor shall be 25/32 inch, and maximum width 8 inches.

(c) Plywood used for sub-flooring shall have a minimum thickness of 1/2 inch. Plywood used for leveling purposes over the other sub-floor shall have a minimum thickness of 1/4 inch.

(6) Studs-braces:

(a) Studs shall be continuous lengths without splicing.

(b) Minimum size shall be 2" x 4".

(c) Maximum spacing shall be 24", center to center.

(d) Corner facets shall be not less than three 2 X 4's set to receive interior finish. Braces shall be installed at all external corners except as follows:

(i) If wood sheathing boards are applied diagonally, or

(ii) If plywood sheathing (4' x 8' sheets) is nailed with 6 d nails, 6 inches oc. on all edges and 1 foot at intermediate bearings.

(e) Corner braces shall be installed as follows: Use 1 x 4's let into outside face of studs, corner post, sill and plate, set at 45 degrees extending from bottom of sill to top of plate. Use 2-8 d nails at each bearing.

(7) Window and door openings:

(a) Inner studs on jambs shall extend in one piece from header to bearing and shall be nailed to outer stud.

(b) Header for usual loading conditions shall not be less than:

Span 3' or less	One 2" x 4"s on edge
3' - 6"	Two 2" x 4"s on edge
4' - 6"	Two 2" x 6"s on edge
6' - 0"	Two 2" x 8"s on edge
7' - 6"	Two 2" x 10"s on edge
9' - 10"	Two 2" x 12"s on edge

(c) All header spans of more than 4'-6" shall be of truss construction.

(8) Plates:

(a) Top plates shall be 2" x 4"s. Plate members shall be lapped at corners and intersecting partitions; when plates are cut for piping or duct work, steel angle tie for plate and bearing for ceiling joists shall be installed.

(b) Sole plate shall be 2 inches minimum thickness and studs shall bear on sole plate on top of sub-floor.

(9) Partition framing:

(a) Studs shall be continuous in length without splicing.

(b) Corner rooms shall be framed to receive interior finish.

(c) Top and sole plates shall be 2 inches minimum thickness.

(d) Top plate shall be tapped at outside walls and at bearing partitions.

(10) Wall sheathing:

(a) Minimum thickness of wall sheathing shall be 25/32 inches, with maximum stud spacing 24" oc. or 11/16 inch with maximum stud spacing of 16" oc. Maximum width of wall sheathing shall be 8" with 2 d nails, 10" with 3 d nails, and 12" with 4 d nails.

(b) Joints shall be over center of studs and each board shall bear on at least two studs.

(c) When plywood is used for sheathing, minimum thickness shall be 5/16 inch, and maximum spacing of studs shall be: 16"oc., with 3/8 inch plywood, stud spacing shall not exceed 24 inches oc.

(11) Roof sheathing: Minimum thickness of roof sheathing shall be 25/32 inches, with maximum rafter spacing of 16 inches oc. Maximum width of boards shall be 8".

(12) Wood siding: Acceptable siding grades shall be commensurate with quality and class of dwelling.

(13) Stucco: Acceptable materials for stucco finish are expanded metal lath, woven wire fabric, or welded wire fabric. Metal lath, mesh or fabric shall be held at least 1/4 inch away from sheathing. Nails shall penetrate wood at least 3/4 inch.

(14) Roof covering:

(a) Roof covering may be asphalt or wood shingles.

(b) Asphalt shingles shall be applied and nailed in accordance with the recommendations of the manufacturer.

(c) Wood shingles shall be edge grain, tapered shingles No. 1 grade.

(d) Exposure for single length shingles shall be:

16 inch 3-3/4 to 5 inches

18 inch 4-1/4 to 5-1/2 inches

24 inch 5-3/4 to 7-1/2 inches

63.113 Administration and Enforcement.

This Ordinance shall be administered and enforced in accordance with the code Compliance Ordinance, Tribal Code Ch. 64.

63.114 Designation of Alternative Code.

(1) In place of the standards set out above, the Tribe, or its tribally-designated housing entity (“TDHE”), may elect to designate, adopt and enforce the standards of the Uniform Building Code (“UBC”) or Council of American Building Officials (“CADO Codes”) with respect to a housing construction project or existing housing that is owned, managed or operated by the Tribe or the TDHE, provided:

(a) the Tribe or the TDHE makes the designation identifying the construction project or existing housing to be governed by the UBC or CABO Codes; and

(b) provides written notice of the alternative designation to all interested parties, including, as applicable, contractors, lenders and government agencies.

(2) With respect to any construction or existing housing designation governed by the UBC or CABO Codes pursuant to a designation under this section, inspections may be performed only by inspectors licensed by the Tribe under Chapter 57 of the Tribal Code.

(3) For purposes of this Chapter, “UBC” means the Uniform Building Code as published by the International Conference of Building Officials as of the date of inspection.

(4) For purposes of this Chapter, “CABO Codes” means the Codes of the Council of American Building Inspectors in effect as of the date of inspection.